(497)

HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, CJ.

WRIT PETITION No. 1854 OF 2006

PETITIONER Subhash Chandra Sarkar, aged about 40 years, Son of Late Shri Surendra Nath Sarkar, Resident of Hirri Mines, Qr. No. 9-B/X Type, P.O. Hirri Mines, Police Station Hirri, Tahsil Bilha, District Bilaspur (C.G.)

Versus

RESPONDENTS

1. Pratima Sarkar, aged about 30 years, Wife of Shri Subhash Chandra Sarkar, Resident of Budhwaripara Near Large Bridge Dongargarh, Tahsil Dongargarh, District Rajnandgaon (C.G.)

2. Sumit Sarkar, aged about 08 years (05-03-1997), Son of Shri Subhash Chandra Sarkar, Resident of Budhwaripara Near Large Bridge Dongargarh, Tahsil Dongargarh, District Rajnandgaon (C.G.)

Present : Shri Alok Bakshi, learned counsel for the petitioner.

ORAL ORDER
(Passed on 17th April, 2006)

There is no dispute that the petitioner – husband's gross salary is Rs.9,000/- and odd. The Family Court having appreciated the income of the petitioner and taking into account the facts and circumstances of the case in which the respondents – wife and child are placed, thought it appropriate to award maintenance at the rate of Rs.3,000/- per month. The contention of the learned counsel for the petitioner is that what is awarded by the Family Court is exorbitant and

unreasonable. I do not think so. The petitioner is under a legal obligation to maintain the wife and the child. It is not his case that the wife has any independent source of income to support herself or the child. In the circumstance, what has been awarded by the Family Court towards maintenance is just and reasonable, and there is no warrant for this Court to interfere with that discretionary order made under Section 24 of the Hindu Marriage Act, in exercise of the power under Article 227 of the Constitution of India. The writ petition is devoid of merit and it is accordingly dismissed. No costs.

Sd/-
Chief Justice